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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/734,345	BAYARDO ET AL.
	Examiner	**Art Unit**	
	Aaron Sanders	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 December 2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-52</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,2,9,11,12,19 and 21-52</u> is/are rejected.

7)☒ Claim(s) <u>3-8,10,13-18 and 20</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The listing of references in the specification is not a proper information disclosure

statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information

submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be

incorporated into the specification but must be submitted in a separate paper of form PTO-1449."

Therefore, unless the references have been cited by the Examiner on form PTO-892, they have

not been considered.

Specification

Throughout the application (including the abstract and claims), "naïve" is spelled "naive"

and "naïve". Special characters (i.e. "ï") are not necessary, but the spelling of the word should

be correct and consistent.

Claim Objections

As per claim 23, the term "in place" should be hyphenated as it is elsewhere in the

claims.

As per claim 28, the claim should end in a period.

As per claim 33, the preamble appears to be incorrect. It should read "The method of

claim 32 wherein the adding comprises".

As per claim 40, the phrase "xtalk fragments corresponds uniquely" appears to be

incorrect. It should be "xtalk fragments correspond[[s]] uniquely".

As per claims 48 and 49, the phrase "data. data." is incorrect.

Claim Rejections - 35 USC § 112 First Paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2-8, 10, 12-18, 20, 26-27, 39-42, and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claims 2-8, 10, 12-18, 20, 39-42, and 44, it is not clear how the XML data is stored in the xtalk format because of the broadness of such terms as "XML feature" and "xtalk fragment".

As per claims 6, 7, 16, 17, 23, and 25-27, the limitation "XML packing process" is not clear. The limitation relies on a call to the function "memmove" which is not sufficiently defined in the specification.

As per claims 7, 17, 26, and 27, "memmove" is not defined in the specification or the claims in such a way as to enable one of ordinary skill in the art to implement Applicant's invention.

As per claim 8, the term "reduction" is a relative term which renders the claim indefinite. The term "reduction" is not defined by the claim, the specification does not provide a standard

for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably

apprised of the scope of the invention.

As per claims 8 and 18, the term "reflecting" has multiple definitions and it is not clear

from the specification or the claims which meaning Applicant is using.

As per claim 34, the phrase "end one close tag" is incomprehensible.

Claim Rejections - 35 USC § 112 Second Paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
subject matter which the applicant regards as his invention.

Claims 2-8, 10, 12-18, 20, 26-27, 39-42, and 44 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

As per claims 2-8, 10, 12-18, 20, 39-42, and 44, it is not clear how the XML data is

stored in the xtalk format because of the broadness of such terms as "XML feature" and "xtalk

fragment".

As per claims 7, 17, 26, and 27, "memmove" is not defined in the specification or the

claims in such a way as to enable one of ordinary skill in the art to implement Applicant's

invention.

As per claim 8, the term "reduction" is a relative term which renders the claim indefinite.

The term "reduction" is not defined by the claim, the specification does not provide a standard

for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably

apprised of the scope of the invention.

As per claims 8 and 18, the term "reflecting" has multiple definitions and it is not clear from the specification or the claims which meaning Applicant is using.

As per claim 34, the phrase "end one close tag" is incomprehensible.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-50 are directed to methods, claim 51 to a system, and claim 52 to a computer program product. The claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomena) since it fails to produce a tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulation of data. More specifically, the claimed subject matter provides for selecting or modifying at least one feature of XML data. This produced result remains in the abstract because the operations on the XML data are entirely contained in the buffer; nothing appears to be output to a user or another system. Thus, the claimed result fails to achieve the required status of having real world value.

As per claim 51, the system does not require any hardware, making it software *per se*. As

such, the instant claims are non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 9, 11, 19, 21-37, 43, and 45-52 are rejected under 35 U.S.C. 102(b) as being

anticipated by Agrawal et al., U.S. 2002/0004813.

As per claims 1, 9, 11, 19, 21-37, 43, and 45-52, Agrawal et al. teach:

1. A method of manipulating XML data in support of data mining, the method

comprising (See e.g. [0013], "methods and systems for more efficiently servicing requests for

dynamic content"):

storing the XML data in a network format to a buffer, thereby resulting in a stored

network representation of the XML data (See e.g. Fig. 5 where, see [0055], "In step S53, it is

determined whether at least one block of the requested page (document, Web page, SQL

document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page is a

document, such as an XML or HTML document"); and

selecting at least one feature of the XML data via a naive selection operating on the

stored network representation of the XML data (See e.g. Fig. 5 where, see [0055], "If the

block(s) in cache memory is/are still valid, they are retrieved from cache memory at S62" where

the claimed "naïve selection" is the referenced validity test).

9. The method of claim 1 further comprising modifying at least one feature of the XML

data via a naive modification operating on the stored network representation of the XML data

(See e.g. Fig. 5 where, see [0056], "application logic and/or the script of the requested document

is executed for each block not present in the cache memory, or present therein but invalid, as

shown at S54" where the claimed "naïve modification" is the referenced validity test).

11. A method of manipulating XML data in support of data mining, the method

comprising (See e.g. [0013], "methods and systems for more efficiently servicing requests for

dynamic content"):

storing the XML data in a network format to a buffer, thereby resulting in a stored

network representation of the XML data (See e.g. Fig. 5 where, see [0055], "In step S53, it is

determined whether at least one block of the requested page (document, Web page, SQL

document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page is a

document, such as an XML or HTML document"); and

modifying at least one feature of the XML data via a naive modification operating on the

stored network representation of the XML data (See e.g. Fig. 5 where, see [0056], "application

logic and/or the script of the requested document is executed for each block not present in the

cache memory, or present therein but invalid, as shown at S54" where the claimed "naïve

modification" is the referenced validity test).

19. The method of claim 11 further comprising selecting at least one feature of the XML

data via a naive selection operating on the stored network representation of the XML data (See

e.g. Fig. 5 where, see [0055], "If the block(s) in cache memory is/are still valid, they are

retrieved from cache memory at S62" where the claimed "naïve selection" is the referenced

validity test).

21. A method of manipulating XML data in support of data mining, wherein the XML

data is stored in an XML representation of the XML data, the method comprising (See e.g. Fig. 5

where, see [0055], "In step S53, it is determined whether at least one block of the requested page

(document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page:

As used herein, a page is a document, such as an XML or HTML document"):

selecting at least one feature of the XML data via a naive selection operating on the XML

representation of the XML data (See e.g. Fig. 5 where, see [0055], "If the block(s) in cache

memory is/are still valid, they are retrieved from cache memory at S62" where the claimed

"naïve selection" is the referenced validity test).

22. The method of claim 21 wherein the selecting comprises:

performing an in-place selection of the at least one feature (See e.g. Fig. 5 where, see

[0056], "The specified data sources (such as databases, external information feeds, as specified

by application logic and/or script) are then accessed and queried as shown at S55 and the data is

formatted to dynamically generate the blocks, as shown at S56").

23. The method of claim 22 wherein the performing comprises:

scanning the XML representation for the at least one feature (See e.g. Fig. 5 where, see

[0055], "If one or more blocks are indeed present in the cache memory, it is first determined in

step S61 whether the cached block(s) of the requested document is/are still valid"); and

editing a buffer storing the XML representation in place via an XML packing process

(See e.g. Fig. 5 where, see [0056], "The block, identifier and caching properties may then be

stored in the cache memory, as called for by step S58").

24. The method of claim 22 wherein the performing comprises:

scanning the XML representation for the at least one feature (See e.g. Fig. 5 where, see

[0055], "If one or more blocks are indeed present in the cache memory, it is first determined in

step S61 whether the cached block(s) of the requested document is/are still valid").

25. The method of claim 22 wherein the performing comprises:

editing a buffer storing the XML representation in place via an XML packing process

(See e.g. Fig. 5 where, see [0056], "The block, identifier and caching properties may then be

stored in the cache memory, as called for by step S58").

26. The method of claim 23 wherein the XML packing process comprises at least one call

to memmove (See e.g. Fig. 5 where, see [0056], "The retrieved and/or generated blocks may then

be sent to the client to be assembled by the browser of the client").

27. The method of claim 25 wherein the XML packing process comprises at least one call

to memmove (See e.g. Fig. 5 where, see [0056], "The retrieved and/or generated blocks may then

be sent to the client to be assembled by the browser of the client").

28. The method of claim 21 wherein the XML representation of the XML data comprises

a stored database representation of the XML data (See e.g. Fig. 5 where, see [0055], "In step

S53, it is determined whether at least one block of the requested page (document, Web page,

SQL document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page

is a document, such as an XML or HTML document")

29. The method of claim 21 further comprising modifying at least one feature of the XML data via a naive modification operating on the XML representation of the XML data (See e.g. Fig. 5 where, see [0056], "application logic and/or the script of the requested document is executed for each block not present in the cache memory, or present therein but invalid, as shown at S54" where the claimed "naïve modification" is the referenced validity test).

30. The method of claim 29 wherein the XML representation of the XML data comprises a stored database representation of the XML data (See e.g. Fig. 5 where, see [0055], "In step S53, it is determined whether at least one block of the requested page (document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page is a document, such as an XML or HTML document").

31. A method of manipulating XML data in support of data mining, wherein the XML data is stored in an XML representation of the XML data, the method comprising (See e.g. Fig. 5 where, see [0055], "In step S53, it is determined whether at least one block of the requested page (document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page is a document, such as an XML or HTML document"):

modifying at least one feature of the XML data via a naive modification operating on the XML representation of the XML data (See e.g. Fig. 5 where, see [0056], "application logic and/or the script of the requested document is executed for each block not present in the cache memory, or present therein but invalid, as shown at S54" where the claimed "naïve modification" is the referenced validity test).

32. The method of claim 31 wherein the modifying comprises:

selecting the at least one feature via an in-place selection of the at least one feature (See

e.g. Fig. 5 where, see [0056], "The specified data sources (such as databases, external

information feeds, as specified by application logic and/or script) are then accessed and queried

as shown at S55 and the data is formatted to dynamically generate the blocks, as shown at S56");

removing the selected feature from the XML representation, thereby resulting in a

modified XML representation (See e.g. Fig. 5 where, see [0055], "Alternatively, a process may

be defined to police the cache memory and maintain stored therein only those blocks that are still

valid and flush the cache of all those blocks that have been or should be invalidated"); and

adding at least one new feature with a new value to the modified XML representation

(See e.g. Fig. 5 where, see [0056], "the data is formatted to dynamically generate the blocks, as

shown at S56").

33. The method of claim 32 the adding comprises:

appending the at least one new feature to the modified XML representation (See e.g. Fig.

5 where, see [0056], "The block, identifier and caching properties may then be stored in the

cache memory, as called for by step S58").

34. The method of claim 33 wherein the appending comprises:

parsing backward from the end one close tag of the modified XML representation (See

e.g. Fig. 5 where, see [0056], "The block, identifier and caching properties may then be stored in

the cache memory, as called for by step S58"); and

inserting the at least one new feature to the modified XML representation before the end

one close tag (See e.g. Fig. 5 where, see [0056], "The block, identifier and caching properties

may then be stored in the cache memory, as called for by step S58").

35. The method of claim 31 wherein the XML representation of the XML data comprises a stored database representation of the XML data (See e.g. Fig. 5 where, see [0055], "In step S53, it is determined whether at least one block of the requested page (document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page is a document, such as an XML or HTML document").

36. The method of claim 31 further comprising selecting at least one feature in the XML data via a naive selection operating on the XML representation of the XML data (See e.g. Fig. 5 where, see [0055], "If the block(s) in cache memory is/are still valid, they are retrieved from cache memory at S62" where the claimed "naïve selection" is the referenced validity test).

37. The method of claim 36 wherein the XML representation of the XML data comprises a stored database representation of the XML data (See e.g. Fig. 5 where, see [0055], "In step S53, it is determined whether at least one block of the requested page (document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page is a document, such as an XML or HTML document").

43. A method of manipulating XML data in support of data mining, the method comprising (See e.g. [0013], "methods and systems for more efficiently servicing requests for dynamic content"):

storing the XML data in a network format to a buffer, thereby resulting in a stored network representation of the XML data (See e.g. Fig. 5 where, see [0055], "In step S53, it is determined whether at least one block of the requested page (document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a page is a document, such as an XML or HTML document");

selecting at least one feature of the XML data via a naive selection operating on the

stored network representation of the XML data (See e.g. Fig. 5 where, see [0055], "If the

block(s) in cache memory is/are still valid, they are retrieved from cache memory at S62" where

the claimed "naïve selection" is the referenced validity test); and

modifying at least one feature of the XML data via a naive modification operating on the

stored network representation of the XML data (See e.g. Fig. 5 where, see [0056], "application

logic and/or the script of the requested document is executed for each block not present in the

cache memory, or present therein but invalid, as shown at S54" where the claimed "naïve

modification" is the referenced validity test).

45. A method of manipulating XML data in support of data mining, wherein the XML

data is stored in an XML representation of the XML data, the method comprising (See e.g. Fig. 5

where, see [0055], "In step S53, it is determined whether at least one block of the requested page

(document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page:

As used herein, a page is a document, such as an XML or HTML document"):

selecting at least one feature in the XML data via a naive selection operating on the XML

representation of the XML data (See e.g. Fig. 5 where, see [0055], "If the block(s) in cache

memory is/are still valid, they are retrieved from cache memory at S62" where the claimed

"naïve selection" is the referenced validity test); and

modifying at least one feature of the XML data via a naive modification operating on the

XML representation of the XML data (See e.g. Fig. 5 where, see [0056], "application logic

and/or the script of the requested document is executed for each block not present in the cache

memory, or present therein but invalid, as shown at S54" where the claimed "naïve

modification" is the referenced validity test).

46. The method of claim 45 wherein the selecting comprises:

performing an in-place selection of the at least one feature (See e.g. Fig. 5 where, see

[0056], "The specified data sources (such as databases, external information feeds, as specified

by application logic and/or script) are then accessed and queried as shown at S55 and the data is

formatted to dynamically generate the blocks, as shown at S56").

47. The method of claim 45 wherein the modifying comprises:

choosing the at least one feature via an in-place selection of the at least one feature (See

e.g. Fig. 5 where, see [0056], "The specified data sources (such as databases, external

information feeds, as specified by application logic and/or script) are then accessed and queried

as shown at S55 and the data is formatted to dynamically generate the blocks, as shown at S56");

removing the selected feature from the XML representation, thereby resulting in a

modified XML representation (See e.g. Fig. 5 where, see [0055], "Alternatively, a process may

be defined to police the cache memory and maintain stored therein only those blocks that are still

valid and flush the cache of all those blocks that have been or should be invalidated"); and

adding at least one new feature with a new value to the modified XML representation

(See e.g. Fig. 5 where, see [0056], "the data is formatted to dynamically generate the blocks, as

shown at S56").

48. The method of claim 11 wherein the modifying comprises:

dropping at least one feature of the XML data. data (See e.g. Fig. 5 where, see [0055],

"Alternatively, a process may be defined to police the cache memory and maintain stored therein

only those blocks that are still valid and flush the cache of all those blocks that have been or

should be invalidated").

49. The method of claim 11 wherein the modifying comprises:

adding at least one feature of the XML data. data (See e.g. Fig. 5 where, see [0056], "the

data is formatted to dynamically generate the blocks, as shown at S56").

50. The method of claim 11 wherein the modifying comprises:

dropping at least one feature of the XML data (See e.g. Fig. 5 where, see [0055],

"Alternatively, a process may be defined to police the cache memory and maintain stored therein

only those blocks that are still valid and flush the cache of all those blocks that have been or

should be invalidated"); and

adding at least one feature of the XML data (See e.g. Fig. 5 where, see [0056], "the data

is formatted to dynamically generate the blocks, as shown at S56").

51. A system of manipulating XML data in support of data mining, the system

comprising (See e.g. [0013], "methods and systems for more efficiently servicing requests for

dynamic content"):

a storing module configured to store the XML data in a network format to a buffer,

thereby resulting in a stored network representation of the XML data (See e.g. Fig. 5 where, see

[0055], "In step S53, it is determined whether at least one block of the requested page

(document, Web page, SQL document, etc.) is present in the cache memory" and [0027], "Page:

As used herein, a page is a document, such as an XML or HTML document"); and

a selecting module configured to select at least one feature of the XML data via a naive

selection operating on the stored network representation of the XML data (See e.g. Fig. 5 where,

see [0055], "If the block(s) in cache memory is/are still valid, they are retrieved from cache

memory at S62" where the claimed "naïve selection" is the referenced validity test).

52. A computer program product usable with a programmable computer having readable

program code embodied therein of manipulating XML data in support of data mining, the

computer program product comprising (See e.g. [0013], "methods and systems for more

efficiently servicing requests for dynamic content"):

computer readable code for storing the XML data in a network format to a buffer, thereby

resulting in a stored network representation of the XML data (See e.g. Fig. 5 where, see [0055],

"In step S53, it is determined whether at least one block of the requested page (document, Web

page, SQL document, etc.) is present in the cache memory" and [0027], "Page: As used herein, a

page is a document, such as an XML or HTML document"); and

computer readable code for selecting at least one feature of the XML data via a naive

selection operating on the stored network representation of the XML data (See e.g. Fig. 5 where,

see [0055], "If the block(s) in cache memory is/are still valid, they are retrieved from cache

memory at S62" where the claimed "naïve selection" is the referenced validity test).

Claims 38-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's

admitted prior art (hereinafter AAPA).

As per claims 38-42, AAPA teaches:

38. A method of manipulating XML data in support of data mining, the method

comprising:

storing the XML data in a network format to a buffer, thereby resulting in a stored

network representation of the XML data (See e.g. Fig. 1D where, see p. 3, lines 29-30, "An xtalk

representation of XML representation 110 is depicted as prior art xtalk representation 130 in

FIG. 1D").

39. The method of claim 38 wherein the network format comprises xtalk format (See e.g.

Fig. 1D where, see p. 3, lines 29-30, "An xtalk representation of XML representation 110 is

depicted as prior art xtalk representation 130 in FIG. 1D").

40. The method of claim 39 wherein the storing comprises:

writing the XML data in xtalk format to the buffer, thereby resulting in a stored xtalk

representation of the XML data, wherein the xtalk representation comprises xtalk fragments

corresponding to fragments of the XML data (See e.g. Fig. 1D where, see p. 3, lines 29-31, "An

xtalk representation of XML representation 110 is depicted as prior art xtalk representation 130

in FIG. 1D... with xtalk fragment 132 corresponding to URL feature 112"),

wherein one of the xtalk fragments comprises header information of the XML data (See

e.g. Fig. 1D where, see p. 3, lines 29-31, "xtalk fragment 132 corresponding to URL feature

112") and

wherein each of the remaining xtalk fragments corresponds uniquely with a feature of the

XML data (See e.g. Fig. 1E where, see p. 4, lines 1-4, "A compact xtalk representation of XML

representation 110 is depicted as prior art xtalk representation 140 in FIG. 1E, with (1) xtalk

fragment 142 corresponding to xtalk fragment 132 that corresponds to URL feature 112 and (2)

xtalk fragment 141 corresponding to xtalk fragment 131").

41. The method of claim 40 wherein the writing comprises:

saving each of the xtalk fragments to a corresponding block of the buffer (See e.g. Fig.

1D where, see p. 3, lines 29-31, "An xtalk representation of XML representation 110 is depicted

as prior art xtalk representation 130 in FIG. 1D, formatted for readability, where the numbers are

network order 4 byte unsigned longs, with xtalk fragment 132 corresponding to URL feature

112").

42. The method of claim 41 wherein the saving comprises:

for each xtalk fragment corresponding to a feature of the XML data, reserving the string

length of the feature in the corresponding block of the buffer of the xtalk fragment (See e.g. Figs.

1D-E where, see p. 4, lines 4-6, "For each feature, xtalk encodes the string length of the feature

in an xtalk fragment corresponding to the feature, as shown in FIGS. 1D and 1E").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 2, 12, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Agrawal et al., U.S. 2002/0004813, in view of Bone, Jeff, "XML Efficiency, Alternatives",

OReillyNet.com, 19 August 2002 (hereinafter Bone).

2. The method of claim 1 wherein the network format comprises xtalk format (Agrawal et

al. do not teach storing XML as xtalk. However, Bone does, see par. 4, "While the exchange

presented above is shown in XML notation, the communication between Vinci components is

not 'pure' XML, but rather a semi-parsed, pseudo-binary representation of an XML document

we call XTalk". Thus, it would have been obvious to one of ordinary skill in the markup

language art at the time of the invention to combine the teachings of the cited references because

Bone's teachings would have allowed Agrawal's et al. method and system to gain improvements

in "speed, size, and simplicity", see pars. 4-5).

12. The method of claim 11 wherein the network format comprises xtalk format (Agrawal

et al. do not teach storing XML as xtalk. However, Bone does, see par. 4, "While the exchange

presented above is shown in XML notation, the communication between Vinci components is

not 'pure' XML, but rather a semi-parsed, pseudo-binary representation of an XML document

we call XTalk". Thus, it would have been obvious to one of ordinary skill in the markup

language art at the time of the invention to combine the teachings of the cited references because

Bone's teachings would have allowed Agrawal's et al. method and system to gain improvements

in "speed, size, and simplicity", see pars. 4-5).

44. The method of claim 43 wherein the network format comprises xtalk format (Agrawal

et al. do not teach storing XML as xtalk. However, Bone does, see par. 4, "While the exchange

presented above is shown in XML notation, the communication between Vinci components is

not 'pure' XML, but rather a semi-parsed, pseudo-binary representation of an XML document

we call XTalk". Thus, it would have been obvious to one of ordinary skill in the markup

language art at the time of the invention to combine the teachings of the cited references because

Bone's teachings would have allowed Agrawal's et al. method and system to gain improvements

in "speed, size, and simplicity", see pars. 4-5).

Allowable Subject Matter

Claims 3-8, 10, 13-18, and 20 are objected to as being dependent upon a rejected base

claim, but would be allowable if rewritten in independent form including all of the limitations of

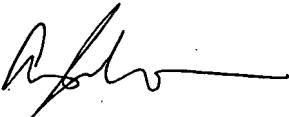the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicant's

disclosure: Their et al., U.S. 2004/0064433; Ryan et al., U.S. 2005/0097128; Matsakis et al., U.S.

2005/0273772; and Ransom et al., U.S. 6,990,395.

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Aaron Sanders whose telephone number is 571-270-1016. The

Examiner can normally be reached on M-Th 8:00a-5:00p.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJS

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